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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/843,206 | 04/25/2001 | Tatsuya Sasazawa | KOT-0029 | 8817 |

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| EXAMINER | |
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| BASHORE, ALAIN L | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3624 | |

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/843,206 | SASAZAWA ET AL. | |
| | Examiner | Art Unit | |
| | Alain L. Bashore | 3624 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *06 April 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *16-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *16-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 16, 20, 23, and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 16, 18-20, 22-24, and 27 there is recited "sections", but there is no definition of the system having sections. Since a "section" may refer to either hardware or software, the claim must clearly recite the relationship between "sections" and the apparatus. Applicant argues that a "section" is generic for server, computer, network, etc. This does not define the meets and bounds of what a "section" is, only what a section could include. The term in the claims must be defined with respect to the overall system claimed. The meets and bounds of what is and is not a section must also be claimed, which is not new matter.

In claims 16, 28-29 the following recitation are vague and indefinite: said virtual space has a virtual space economy that is independent from a real world economy". The recitation is vague and indefinite since some tie is maintained to a real world

economy by virtue of its existence. Therefore what is "independence" is unclear by virtue of a lack of meets and bounds.

Claim 29 recites "system" which is vague and indefinite since the common meaning of the term does not clearly determine the statutory class of invention. Since the term system may encompass more than one statutory class, there is a requirement for an indication on the record as to what statutory class of invention the "system" claims belong to (see MPEP 2106.IV.B). The statutory provision for this requirement may be found in 35 U.S.C 101 that recites the statutory classes of invention.

For the purposes of this examination these claims are considered apparatus.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 16-18, 23-25, and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitano et al in view of Wong et al.

Kitano et al discloses an economical data processing system. Virtual space is formed and used with a network includes a plurality of computers connected to each other (col 6, lines 28-67). Value information stores value information representing value provided in the virtual space and the value information is delivered in the virtual space (col 19, lines 10-67;, col 20, lines 12-5). Value of the value information is represented as value data (col 7, lines 33-35) and value information storing stores said valuable information in relation with said value data. A value information evaluation evaluates a value of said valuable information so as to generate said value data of said valuable information (col 7, lines 40-46). The value information may be image information (col 6, lines 38-43).

There is not explicitly disclosed to Kitano et al:

virtual currency creating section;

virtual currency storing section for storing said virtual currency;

value information storing section to store a value information set further where the value information is correlated to value data;

value information evaluating section to evaluate the value information set;

virtual currency evaluating section so as to derive an exchange rate between virtual currency and real currency, and,

currency exchanging section.

Wong et al discloses: virtual currency creation (col 6, lines20-33), virtual currency storing (col 6, lines 34-41), virtual currency evaluation (col 6, lines 41-48) for exchanging said virtual currency with said real currency (col 8, lines 54-67).

It would have been obvious to one with ordinary skill in the art to include forming virtual currency to Kitano et al because Wong et al teaches virtual currency is desirable for network systems rather than conventional means of payment (col 1, lines 30-42).

It would have been obvious to one with ordinary skill in the art to include a virtual currency storing for storing said virtual currency to Kitano et al for accounting purposes (i.e.: to know who owes what and to whom).

It would have been obvious to one with ordinary skill in the art to include value information storage and evaluation to Kitano et al because Kitano et al teaches that a virtual currency is used in virtual space to make purchases (col 2, lines 8-11).

It would have been obvious to one with ordinary skill in the art to include a virtual currency evaluation to Kitano et al because Wong et al teaches evaluation required of virtual currency before it may be stored (col 7, lines 12-16)

It would have been obvious to one with ordinary skill in the art to include a currency exchange section to Kitano et al because Wong et al teaches redemption required of virtual currency to be used for making a transaction (col 8, lines 54-56).

5. Claims 19-22, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitano et al in view of Wong et al as applied to claims above, and further in view of Martinez et al.

Kitano et al in view of Wong et al does not explicitly disclose:

a ID data generating section for giving ID data to a subject which delivers said virtual currency in said virtual space;

a ID data determining section for determining whether or not said subject is allowed to make a connection with said virtual space in accordance with said ID data, and giving a permission to said subject to make a connection with said virtual space when said subject has said ID data with authenticity;

correlation with the ID data set; and

a subject given said virtual currency as a reward for being restricted in said virtual space for a period of time.

Martinez et al discloses a ID data generating and ID data determination (fig 9 and col 21, lines 55-67; col 22, lines 1-67) for use in transactions. Martinez et al also discloses rewards (col 10, lines 12-39) utilized by transaction users.

It would have been obvious to one with ordinary skill in the art to include a ID data generating section for giving ID data to a subject which delivers virtual currency in said virtual space to Kitano et al in view of Wong et al because Martinez et al teaches that valid IDs are required for a proper transaction (col 22, lines 61-62).

It would have been obvious to one with ordinary skill in the art to include an ID data determination for judging whether or not said subject is allowed to make a connection with said virtual space in accordance with said ID data, and giving a permission to Kitano et al in view of Wong et al because Martinez et al teaches that a function of a system is to prohibit all invalid transfers (col 21, lines 63-65).

It would have been obvious to one with ordinary skill in the art to include rewards for being restricted to the virtual space to Kitano et al in view of Wong et al because Martinez teaches reward systems that may be used in gamming, and that gamming is a form data processing utilizing virtual space and virtual currency (col 1, lines 67-67; col 2, lines 1-7).

***Response to Arguments***

6. Applicant's arguments filed 4-6-04 have been fully considered but they are not persuasive.

The recitation: "said virtual space has a virtual space economy that is independent from a real world economy" is unclear since some tie is maintained to a real world economy by virtue of its existence. Therefore what is "independence" is unclear by virtue of a lack of meets and bounds.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:00 am to 4:30 pm (Monday thru Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alain L. Bashore
Primary Examiner
Art Unit 3624